

Atty. Dkt. No. 044499-0108

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 3, 4 and 12 have been amended. Claim 14 has been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3-4, 6-8 and 11-14 are now pending in this application.

Informalities

Amendments to claims 1, 3, 4 and 12 are made to correct minor informalities in those claims and are not made to overcome any prior art.

Prior Art Rejections

Claims 1, 3, 4, 6-8 and 11-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,993,068 to Piosenka et al. (hereinafter "Piosenka") in view of U.S. Patent No. 6,484,260 B1 to Scott et al. (hereinafter "Scott"). Applicant respectfully traverses the rejection of the claims, as amended, for at least the following reasons.

The present invention relates to a personal identification system and method employing living body characteristics, such as finger prints, voice prints, etc. A system according to an embodiment of the invention, as illustrated in Figures 1 and 2, includes a personal identification device 100. The device 100 includes a reader/writer 70 that is adapted to read data from and write data to a portable storage media, such as IC card 200. One or more detectors for detection of living body characteristics of a user are positioned on the device 100.

Atty. Dkt. No. 044499-0108

In operation, a user presents the portable storage media to the device 100 at, for example, an access point to a secured area. The portable storage media 200 may have at least one living body characteristic of the user stored thereon. An identification algorithm for personal identification is stored on the portable storage media. Once the portable storage media 200 is presented to the device 100 and a living body characteristic of the user is detected by the detectors on the device 100, personal identification is performed by transferring the detected living body characteristic to the portable storage media. Accordingly, independent claims 1 and 4 each recite performing "personal identification by transferring said living body characteristic data detected from the user by said living body characteristic detector to said portable storage media." Similarly, independent claim 8 recites "transferring the living body characteristic data detected from said user to said portable storage media for personal identification."

None of the cited references discloses at least this feature of the pending claims. As acknowledged by the Examiner, Piosenka fails to teach or suggest a "portable storage media [which] stores therein an identification algorithm for personal identification." Thus, the system of Piosenka does not perform identification by transferring the detected living body characteristic to a portable storage media.

Scott also fails to teach or suggest transferring the detected living body characteristic data to a storage media. Scott discloses a system in which the living body characteristic detector is included in a portable personal identification device (PID) 6. An unencrypted random number is transmitted from a host processing unit to the PID. See Scott, Fig. 7, block 116. The detector on the PID is used to detect a living body characteristic and, when the detected living body characteristic matches a stored template, the PID encrypts the random number received from the host and transmits the encrypted random number. The host then decrypts the random number and compares the decrypted random number to the originally transmitted random number to grant or deny access. Thus, the system disclosed in Scott only transfers a random number in unencrypted and in encrypted form, and Scott fails to teach or suggest performing personal identification by transferring the detected living body characteristic to the portable storage media.

Atty. Dkt. No. 044499-0108

Accordingly, Applicant submits that the prior art fails to teach or suggest at least that feature of the amended claims. Claims 1, 3-4, 6-8 and 11-13 are, therefore, patentable.

Applicant has added new claim 14 to recite another aspect of the invention. Claim 14 is patentable for the reasons recited above relative to claims 1, 3-4, 6-8 and 11-13.

Finality of the Office Action

The pending Office Action was made final by the Examiner despite including new grounds for rejection. The Examiner argues that "Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action." However, Applicant's amendment to claims 1, 4 and 8 in the reply filed February 18, 2004, merely added limitations existing in dependant claims. The scope of those claims, therefore, was unchanged from that of the previously-pending dependant claims. Accordingly, Applicant requests that the finality of this office action be withdrawn

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Atty. Dkt. No. 044499-0108

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 7-2-04

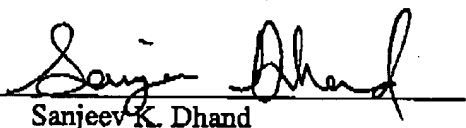
FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5485

Facsimile: (202) 672-5399

By


Sanjeev K. Dhand
Registration No. 51,182
For
William T. Ellis
Attorney for Applicant
Registration No. 26,874